

REMARKSNewly Added Claims

Support for the newly added claims is found throughout the application as filed. Especially relevant are pages 16-18 and Table 1 (pages 21-22) of the substitute specification filed as Appendix I on July 5, 1996. It is urged that no new matter is added by the new claims.

Rejections Under 35 U.S.C. § 112, second paragraph

Claims 13-25 and 27-28 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite because of the language "elasticity properties substantially similar to". Applicants point out that this phrase is present solely in claims 14-16 and that none of the other cited claims depends from any of claims 14-16. It is therefore urged that the rejection can apply only to claims 14-16. Claims 14-16 have been canceled and replaced by new claims which do not include the language which was objected to.

Claims 15-16 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The Office Action states that the phrase "is reduced by about x - g/m² in comparison to" is not given any patentable weight in the absence of the showing of unexpected results. Applicants do not understand this rejection, i.e., why the definiteness of the claim language depends upon unexpected results. Applicants fail to see any connection between the definiteness of any claim language and whether unexpected results are seen. Applicants urge that unexpected results were seen, but this argument will not be further developed in view of the fact that claims 15-16 have been canceled and are replaced by new claims which do not use the language which the Office Action stated caused the claims to be indefinite.

In view of the cancellation of claims 14-16 and their replacement by claims which do not use the language which was objected to in the Office Action, it is urged that the rejections under 35 U.S.C. § 112, second paragraph, are now moot and it is requested that the rejection be withdrawn.

Rejection Under 35 U.S.C. § 103(a)

Claims 13-28 were rejected under 35 U.S.C. § being unpatentable over O'Brien et al. (U.S. Patent 3,645,760) in view of Hammer et al. (U.S. Patent 5,143,584). The Office Action states that

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the O'Brien et al. reference teaches the preparation of fibrous casings in the claimed manner, although it teaches the preparation of casings which are based on papers in the range of 17-34 g/m² which is outside the limitations of the pending claims. The Office Action attempts to account for this deficiency of the O'Brien et al. reference by citing the Hammer et al. reference which does teach casings based on papers with the required lower basis weight.

Applicants urge that the combination of cited references does not make the pending claims obvious. The O'Brien et al. patent teaches the use of water-soluble or water-dispersible proteins having a molecular weight of 10,000 or more to impregnate a fibrous reinforcing paper. The early casings as taught by O'Brien et al. are stated by Hammer et al. to be inferior because they do not show the required strength (see end of column 1 onto column 2 of Hammer et al.). The Hammer et al. reference cites other patents which use various resins to attempt to strengthen the casings. Hammer et al. report a method for strengthening casings by the inclusion of alginate and further state that the paper to be used can have a weight per unit area of from about 12 to 30 g/m². Therefore, the Hammer et al. reference does teach a product which has the lower weight of paper required by the pending claims. However, the Hammer et al. reference teaches only a single method of achieving a lower paper weight, higher strength product and that method requires the use of alginate as a strengthener. The O'Brien et al. reference therefore teaches the use of proteins to coat the paper and the Hammer et al. reference teaches the use of alginate. Although one of skill in the art would clearly desire a stronger yet less dense product, knowing how to obtain such a product is not obvious. These teachings do not, however, make obvious other methods of preparing strong, yet light (less dense) products. The casings as encompassed by the pending claims are made by a process different from that of Hammer et al. and do not utilize alginate to achieve a low density, rather other means are used to achieve a density lower than that of O'Brien et al.

Additionally, the casings of the present application are required to have an elasticity as set forth in claim 13. There is no indication that the casings of the cited references meet this limitation of the claims. As explained on page 6 of the substitute specification, prior art casings had low stretch characteristics. This meant that different casing sizes were needed for each size sausage and that a different die was required for each casing size. The product described in the present application is one which is elastic and therefore allows a range of sausage sizes for a single casing

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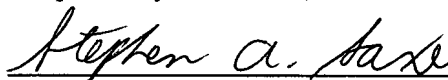
size while simultaneously possessing high strength. Furthermore, the product is one which can be made at high speed (see pages 10-11 and 17 of the substitute specification).

The present invention is directed to a method for preparing light-weight casings with improved elasticity and good strength. A wide range of sausage diameters can be produced by using only a single size of casing. The method is to impregnate with viscose on the outside only by using the die construction described in the specification. All of the fibers of the light base paper are embedded with viscose, and better use of the paper is achieved than with heavier papers. The product prepared by the methods of the claims is one which uses lighter weight papers than that of the O'Brien et al. method (less than half the weight compared; compare examples) and is prepared without using the alginate of the Hammer et al. reference. It is urged that the combination of those references does not teach one how to prepare lightweight casings without the use of alginate and furthermore to make such a casing with the increased elasticity as described and as required by the claims.

In view of the above arguments, it is requested that the rejection of claims 13-28 under 35 U.S.C. § 103(a) be withdrawn.

In view of the above amendments and remarks, it is believed that the present application meets the requirements of the patent statutes and is patentable over the prior art. Reconsideration of the application and early notice of allowance are requested. The Examiner is invited to telephone the undersigned in order to expedite the prosecution of this application.

Respectfully submitted,



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Dated: 21 September 2001

Attorney Docket No. 2530-107

2530-107.am1

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